

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

vs.

RAMON ARAGON, *et al.*,

Defendants.

69cv07941 BB-ACE

RIO CHAMA STREAM SYSTEM

Subfile No. GAL 10.1

MOTION TO INCLUDE SUBFILE GAL 10.1
IN SECTION 1 OF THE RIO CHAMA STREAM SYSTEM

COMES NOW the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and requests the Court to include land and water rights described in subfile GAL 10.1 in Section 1 of the Rio Chama Stream System.

1. The Court entered its Order adjudicating the water rights of Christ of the Desert Monastery in subfile GAL 10.1 on April 11, 1997 (Doc. No. 5632) and included this subfile in the “Rio Gallina Section” of the Rio Chama Stream System. The final and amended hydrographic survey of the Rio Gallina Section (Section 5), completed January 14, 2000, did not map or include these rights in Section 5.

2. The rights described in subfile GAL 10.1 are located about 20 miles downstream from all other surface water rights in Section 5 near the confluence of the Rio Gallina with the mainstream of the Rio Chama. The lands to which these rights are appurtenant, are also adjacent to lands of the United States that have been included in the Wild and Scenic River corridor of the Rio Chama.

3. For administrative purposes, the Office of the State Engineer prefers to include the rights described in subfile GAL 10.1 in Section 1 (Chama Mainstream) rather than Section 5.

4. Vista, Ltd., the current owner of the rights described in subfile GAL 10.1, does not oppose the granting of this Motion.

WHEREFORE the State requests the Court to enter an Order to include the land and water rights described in subfile GAL 10.1 in Section 1 (Chama Mainstream) of the Rio Chama Stream System.

/s/ Ed Newville
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above Motion to Include Subfile GAL 10.1 in Section 1 of the Rio Chama Stream System was mailed to following persons on September 27, 2005.

/s/ Ed Newville
Edward G. Newville

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